

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

UNITED STATES OF AMERICA)	
Plaintiff)	
)	
)	
v.)	CRIMINAL NO. 2022-CR-20
)	
)	
TYRONE ORTIZ,)	
Defendant)	
_____)	

MOTION TO CONTINUE TRIAL

Tyrone Ortiz, by and through undersigned counsel, moves this Honorable Court to continue the trial date in this matter.

1. Mr. Ortiz filed a motion to suppress statements on May 16, 2022. *See* ECF #24.
2. An evidentiary hearing on his motion was held before Magistrate Judge Ruth Miller on October 28, 2022. *See* ECF #44.
3. Magistrate Judge Miller issued a Report and Recommendation on January 19, 2023.
4. Mr. Ortiz filed an objection to the Report and Recommendation on February 1, 2023.
5. An order on the motion to suppress has not been issued.
6. Mr. Ortiz filed a motion to dismiss the indictment on August 11, 2023. *See* ECF #61.
7. A hearing was held on that motion on February 9, 2024. *See* ECF #77.
8. An order on that motion to dismiss has not yet been issued.
9. Trial is currently scheduled for April 15, 2024.
10. Should the motion to dismiss be denied, Mr. Ortiz would like to have at least 30 days to after receiving the order on the motion to suppress to consult with counsel regarding how he should proceed in this case.

11. Given the status of the case, Mr. Ortiz requests that the trial date in this matter be continued.

He has filed an Application and Checklist for a Speedy Trial Extension extending the period in which he must be tried to August 12, 2024. *See* ECF #82.

12. Undersigned counsel contacted the government regarding this motion and AUSA Everard Potter opposes the request for a continuance.

13. Undersigned counsel is available for a rescheduled trial date of June 3rd, June 10th, or July 1st, 2024.

WHEREFORE, Mr. Ortiz respectfully requests that the trial date in this matter be continued to a date convenient for all parties.

DATED: April 1, 2024

Respectfully submitted,

/s/ Kia D. Sears, Esq.

KIA D. SEARS, ESQ.

Assistant Federal Defender

1336 Beltjen Road, Suite 202

St. Thomas, VI 00802

Tel (340) 774-4449

Fax (340) 776-7683

E-mail: kia_sears@fd.org